bsb

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 123 OF 2005

Shri Pannalalji Bhimraj Surana & ors. ... Petitioners

V/s

The State of Maharashtra & ors. ... Respondents

Ms. Leena Patil i/by Mr. P.M.Pradhan for the petitioners.

Mr. N.P.Deshpande, A.G.P. for respondent Nos. 1, 2, 4 to 7, 9 and 10.

Mr. Nitin Jamdar for the respondent No.8.

CORAM: J.N. PATEL &
SMT. NISHITA MHATRE, JJ.

DATED: 21ST NOVEMBER, 2007.

P.C.:

1. This petition has been filed seeking a mandamus against the respondents to ban 3-seater diesel driven APE rickshaws plying within the city, corporation and council limits of Solapur and Pimpari-Chinchwad. The thrust of the petition is that these rickshaws cause environmental pollution and are therefore hazardous to health.

2. An affidavit has been filed by the Assistant

Regional Transport Officer, Solapur indicating the remedial measures taken by the Road Transport Office. The Inspector of Police, Traffic Branch, Solapur City has also filed a similar affidavit. Besides these affidavits, there is an affidavit filed by the Deputy Road Transport Officer, Solapur indicating the stringent measures taken against those who ply such auto-rickshaws in violation of law. Fines have been imposed and collected and a large number of offenders have been booked.

3. These affidavits indicate that sufficient remedial measures have been taken by the respective authorities to ensure that diesel driven APE auto-rickshaws do not ply within the municipal limits so that pollution is controlled in a large measure. We are satisfied with the action taken by the authorities. We expect that such measures are taken as an on going process.

4. In view of the above, the petition is disposed.

(J.N. PATEL, J.)

(SMT. NISHITA MHATRE, J.)